

Application No.: 10/628,229Docket No.: 30019297-2 US (1509-426)**REMARKS**

The specification has been amended to cross-reference the foreign application relied on for priority.

The claims have been amended for clarity, to preclude interpretation thereof under 35 USC 112, paragraph 6 and to more clearly indicate the visual media data are visual pictorial media data, as is evident, *inter alia*, from Figures 3a and 3b, and the description thereof. The words "visual pictorial media data" mean still and moving (i.e., video) pictorial representations.

Everdell et al., US patent publication 2002/0165961, relied on to reject claims 1-26 under 35 USC 102(e) has nothing to do with visual media data. To further emphasize this difference between applicants and Everdell et al., all the claims now specifically indicate the visual media data are pictorial. Everdell et al., as pointed out in paragraph 0002 thereof, is concerned with external control information for supporting a variety of administrative tasks, for example, learning and calculating network topology for routing purposes, setting up connections between two or more devices and sending and responding to error messages, as well as providing control information from a network-element management system (NMS) to a network device, for example, for provisioning services and retrieving billing and statistical data. As such, Everdell et al. is not concerned with a method of viewing visual media, particularly visual pictorial media, as required by applicants' claim 1, or a visual media viewing system, particularly a visual pictorial media viewing system, as required by applicants' claim 11, or a network element including a data store for storing visual pictorial media data and performing other operations on such data, as required by applicants' claims 15 and 22, or a personal computer including a data store for storing visual pictorial media data and for performing other operations on such data, as required by applicants' claim 25, or a personal computer including a data storage device

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for locally storing visual pictorial media data and a processor for processing the visual pictorial media data, wherein the received control data set includes (a) information relating to location of an automatically selected portion of the visual pictorial media data and (b) processing instructions relating to generating and synchronously displaying (a) a pictorial image of said portion from the locally stored visual pictorial media data upon the screen with (b) its display on the remote personal computer.

In the rejection of claim 1, the office action has a comment that is incomprehensible to applicants. The comment states "A method of viewing visual media across a network comprising the steps of: the visual indicator for universal port cards is the display of the ports available on each card. [0189]". Paragraph 0189 is concerned primarily with Figure 4i that includes a device mimic 896a and displays a back view of the components in the upper portion of networked device 540 (Figure 35). Figure 35 is largely incomprehensible on the copy of the Everdell et al. reference in the possession of attorney for applicants. The office action latches onto the comment in paragraph 0189 that universal port card 554a is present, as indicated by a graphical representation of ports available on that card, while universal port card 558a is not present as indicated by a blank slot 931. However, there is nothing in paragraph 0189 indicating the mimic device discussed therein, which the administrator uses, is viewed across a network as required by claim 1.

The office action relies on statements in paragraph 0252 of Everdell et al. allegedly relating to visual media data. In fact, paragraph 0252 relates to network device configuration data. It is not seen how network device configuration data can be interpreted as visual media data or as visual pictorial media data.

The office action cites statements in paragraph 0260 to meet the requirement of claim 1 for creating derived visual media data from locally stored visual media data. However, paragraph 0260 merely indicates the network/element management system (NMS) client notifies the network management system server that the device is to be managed on-line and that the server first reconciles the physical configuration of the

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network created by the network manager and stored in the network management system database against the physical configuration of the actual network device, and stored in an internal configuration database. Is not seen how this discussion has anything to do with visual media data or visual pictorial media data.

The office action states paragraph 0362 of Everdell et al. meets the requirement of claim 1 for automatically generating a control data set representing the derived visual data and corresponding to operations to be performed by a processing means to create the derived visual media data. Paragraph 0362 indicates a user profile of local managed objects (LMOs) is created and stored in the network management system database so the network management system server cable of connecting to the network management system database may access the tables and generate a user local managed object. The examiner is requested to indicate how this has anything to do with automatically generating control data representing derived visual data or derived visual pictorial data.

The office action also mentions the "screen mark" discussed in paragraph 0243 of Everdell et al.. The screen marks are discussed in greater detail in paragraph 0241 that indicates a list of the screen marks is displayed on pop-up menu 958a, Figure 4x, and that examples of the screen marks are the default screen marks Virtual ATM IF 958b and Virtual Connection 958c and/or administrator created screened marks, for example test 958d. An inspection of Figure 4x indicates the screen marks are alphanumeric characters, not visual media data or visual pictorial media data.

Based on the foregoing, the allegation that Everdell et al. anticipates claim 1 is clearly erroneous. Because claim 1 is improperly rejected claims 2-10, that depend on claim 1, are also incorrectly rejected. In addition, several of these claims include features Everdell et al. does not disclose.

For example, claim 3 indicates a portion of locally stored visual media data corresponding to a portion of the visual media is selected to create the derived visual data.

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The reliance on paragraph 0552 of Everdell et al. for this limitation is nonsense. Paragraph 0552 of Everdell et al. is concerned with changes to a portion of the computer system, not with a portion of locally stored visual media data or locally stored visual pictorial media data.

The reliance in the office action to reject claim 6 based on the comment in paragraph 0294 of Everdell et al. is incorrect. The office action alleges the requirement of claim 6 to use visual saliency techniques to select the portion of the visual media data automatically is disclosed by Everdell et al. because Everdell et al. indicates the administrator may start a custom wizard from any screen within graphical user interface 895. Paragraph 0294 of Everdell is concerned with an administrator who may wish to view an item dragged to a bulletin board in a format different from that displayed in the graphical user interface. This has nothing to do with using visual saliency techniques to select a portion of visual media data or visual pictorial media data.

The allegation in the office action that paragraph 0193 of Everdell et al. meets the requirement of claim 7 to include, in the automatically generated control data set, spatial and temporal location information detailing a sub-set of video visual media is wrong. Paragraph 0193 of Everdell et al. indicates Modulus tab 936 includes an inventory of available network modules and details about these modules, such as where they are located, for example, on a shelf and slot, back or front. The modules are obviously parts of the network because paragraph 0193 states that the inventory describes the type of module, version number, manufacturing date, part number etc. Hence, the modulus tab 936 has nothing to do with details about video visual media.

The allegation that claim 10 teaches the same limitations as claim 1 is incorrect. Claim 10 defines steps that go in the opposite direction from the steps of claim 1. Consequently, the office action includes no attempt to establish a *prima facie* case with respect to claim 10.

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The office action incorrectly states claim 11 includes the same limitations as claim 1. Claim 11 includes, *inter alia*, a requirement to automatically select a portion of the visual media data; such a requirement is not in claim 1. Claim 11 also differs from claim 1 by requiring the control data set to include information relating to the location of the portion within the locally stored copy of the visual media data and processing instructions relating to the generation and display of the image generated from the portion on a display. Hence, there has been no attempt to establish a *prima facie* case with respect to claim 11.

Claims 12-14 depend on claim 11 and are allowable therewith. In addition, claim 12 includes limitations not found in Everdell et al.. Claim 12 indicates the control data set of claim 11 is smaller than the portion of the visual media data. The office action relies, for this feature, on a statement in paragraph 0612 of Everdell et al. that a smaller chassis has less space than a 1:1 design. Paragraph 0612 is concerned with component redundancy in the Everdell et al. network. It has nothing to do with a control data set being smaller than a portion of visual media data or visual pictorial media data.

The rejection of independent claim 15 is the same as the rejection of independent claim 1 and is wrong for the same reasons discussed *supra* in connection with claim 1.

Claims 16-21 depend on claim 15 and are allowable therewith.

In addition, the rejection of claim 16 is improper because it fails to indicate the relied on portion of Everdell et al.. The Everdell et al. specification has 1016 paragraphs and 258 sheets of drawing. The examiner must indicate specifically the relied on portion of such a large reference. Further, the comments in the office action about claim 16 have nothing to do with the claim 16 requirement for information relating to the location of a portion within visual pictorial media data and processing instructions relating to generating and displaying an image corresponding to said portion of the visual media data from the local copy of the visual media or visual pictorial media stored on the remote network element.

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The rejection of claim 18 is wrong because paragraph 0304 of Everdell et al. has nothing to do with automatically selecting a portion of visual pictorial media data in response to a user selecting a region of a pictorial image formed from visual pictorial media data.

The rejection of claim 19 is wrong for the same reasons discussed in connection with the rejection of claim 6.

Claim 20 is improperly rejected because a transition of a state machine is not the same as transitions between a plurality of automatically selected portions of visual media or visual pictorial media.

Independent claim 22 is allowable for the same reasons advanced in connection with claim 1. Claims 23 and 24 depend on claim 22 and are allowable with it. Claim 23 is also allowable for the same reasons advanced for claim 16.

The relied on portions of Everdell et al., Figure 3b and paragraphs 0177 and 0178, to reject independent claim 25 have nothing to do with the claim 25 requirements for automatically selecting a portion of visual pictorial media data, or a central processor for generating a control data set including the location of said portion within the visual pictorial media data. Instead, these paragraphs deal with models representing network devices.

The rejection of independent claim 26 states "Referring again to FIG 2a." However attorney for applicants is unable to find any prior mention of Figure 2a in the office action. Explanation is requested.

The rejection of independent claim 26 fails to mention some aspects thereof, viz the requirements for (1) a data storage device for locally storing visual pictorial media

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data, (2) a processor for processing the received control data set and the visual pictorial media data, (3) a screen for displaying a pictorial image corresponding to the processed visual pictorial media data, and (4) the received control data set including information relating to location of an automatically selected portion of the visual pictorial media data. Consequently the rejection of claim 26 is incorrect

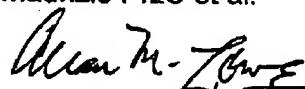
Allowance is in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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